

HOUSE BILL NO. 52

INTRODUCED BY W. MCNUTT

BY REQUEST OF THE WATER POLICY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A GROUND WATER INVESTIGATION PROGRAM; PROVIDING FOR PRIORITIZATION OF SUBBASINS BY THE GROUND WATER ASSESSMENT STEERING COMMITTEE; ADDING A MEMBER OF THE DEVELOPMENT COMMUNITY TO THE GROUND WATER ASSESSMENT STEERING COMMITTEE; PROVIDING A CONTINGENT APPROPRIATION FOR THE PROGRAM; AMENDING SECTION 2-15-1523, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Ground water investigation program -- advisory committee.** (1) The Montana bureau of mines and geology shall develop and implement a ground water investigation program for the purpose of collecting and compiling ground water and aquifer data. The program shall gather data, compile existing information, conduct field studies, and prepare a detailed hydrogeologic assessment report for each subbasin. The program shall develop a monitoring plan and a hydrogeologic model for each subbasin for which a report is prepared.

(2) The ground water assessment steering committee, established by 2-15-1523, shall prioritize subbasins for investigation based upon current and anticipated growth of agriculture, industry, housing, and commercial activity. Permit applications for the development of surface water or ground water and the timing of adjudication of water rights may be taken into account in prioritizing subbasins.

Section 2. Section 2-15-1523, MCA, is amended to read:

"2-15-1523. Ground water assessment steering committee. (1) There is a ground water assessment steering committee consisting of an employee of each of the following state agencies that have responsibility for ground water protection, management, or information. The member must be appointed by the head of the respective state agency:

- (a) the department of natural resources and conservation;
- (b) the department of environmental quality;

1 (c) the department of agriculture; and

2 (d) the Montana state library, natural resource information system.

3 (2) The ground water assessment steering committee may include representatives of the following
4 agencies and units of government with expertise or management responsibility related to ground water and
5 representatives of the organizations and groups specified in subsection (2)(h), who shall serve as ex officio
6 members:

7 (a) the legislative services division;

8 (b) the board of oil and gas conservation;

9 (c) the Montana bureau of mines and geology;

10 (d) a unit of the university system, other than the Montana bureau of mines and geology, appointed by
11 the board of regents of higher education for the Montana university system;

12 (e) a county government, appointed by an organization of Montana counties;

13 (f) a city, town, or city-county government, appointed by an organization of Montana cities and towns;

14 (g) each principal federal agency that has responsibility for ground water protection, management, or
15 research, appointed by the Montana head of the respective federal agency; and

16 (h) one representative of each of the following, appointed by the governor:

17 (i) agricultural water users;

18 (ii) industrial water users; ~~and~~

19 (iii) a conservation or ecological protection organization; and

20 (iv) the development community.

21 (3) The ground water assessment steering committee shall elect a presiding officer from its voting
22 members.

23 (4) The Montana bureau of mines and geology shall provide staff support to the committee."
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25 NEW SECTION. Section 3. Appropriation. There is appropriated ~~\$4.2 million~~ \$900,000 from the state
26 general fund to the Montana bureau of mines and geology for developing and implementing the ground water
27 investigation program described in [section 1].
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29 NEW SECTION. Section 4. Contingent voidness. If House Bill No. 2 is passed and approved and if
30 it contains an appropriation of at least ~~\$4.2 million~~ \$900,000 for the ground water investigation program described

1 in [section 1], then [section 3] is void.

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3 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 85, chapter 2, part 5, and the provisions of Title 85, chapter 2, part 5, apply to [section 1].

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6 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2009.

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